

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application T032520

Santa Margarita Water District

ORDER CANCELING TEMPORARY WATER RIGHT APPLICATION

SOURCES: Gobernadora Creek tributary to San Juan Creek thence
the Pacific Ocean
COUNTY: Orange

WHEREAS:

1. Santa Margarita Water District (Applicant) is the owner of Temporary Application T032520 filed with the State Water Resources Control Board (State Water Board), requesting the right to divert 800 acre-feet of water per year from the San Juan Creek stream system.
2. On October 20, 2017 the State Water Board received a request from the Applicant's Agent to cancel Temporary Application T032520.
3. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program. The Deputy Director for Water Rights has redelegated this authority pursuant to a memorandum dated July 6, 2012.

THEREFORE, IT IS ORDERED THAT TEMPORARY APPLICATION T032520 IS HEREBY CANCELED.

It is the Applicant's responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. The Applicant is hereby put on notice that unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the points of diversion identified in this application may be subject to Administrative Civil Liability of up to \$500 per day without further notice. The State Water Board also may issue a Cease and Desist Order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

Before initiating any work in a stream channel, the Applicant should consult with the California Department of Fish and Wildlife and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. The Applicant must also consult with the Department of Water Resources, Division of Safety of Dams, if a jurisdictional size dam will be removed or breached (dam height 25 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

The Applicant shall document any diversions made under claim of right independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use (Statement) be filed for these diversions. Water Code section 5107, subdivision (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY,
MATT MCCARTHY, FOR:

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: DEC 08 2017